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## **TITLE SEVEN**

### **SUPPLEMENTAL ZONING REGULATIONS**

- Chap. 1181 Height, Area Requirements, and Exceptions.
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### **CHAPTER 1181**

#### **HEIGHT AND AREA REQUIREMENTS, AND EXCEPTIONS**

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##### **1181.01      TABLE OF REQUIREMENTS**

Required height and area regulations are established and shown on the table on the next page.

CITY OF TIFFIN ZONING CODE HEIGHT AND AREA REQUIREMENTS (1)								
Zoning District	Maximum Height of Buildings		Minimum Depth of Front Yard	Minimum Width of:		Minimum Depth of Rear Yard	Minimum Lot Area Per Family (s.f.)	Minimum Lot Width
	Stories	Feet		Either Side Yard	Aggregate Side Yards			
R-1	2.5	35'	40'	10'	20'	40'	15,000	100'
R-2	2.5	35	30'	7'	15'	30'	7,500	60'
R-3	2.5	35	25'	5'	12'	25'	5,000	50'
R-4	3	45	25'	10'	20'	25'	4,000 (1-family) 2,500 (2-family) 1,000(multiple)	50'
R-1a	2.5	35'	30'	10'	20'	40'	10,000 (1-family) 3,000 (2-family) 3,000 (multiple) 2,000/sleeping unit of a assisted care living building	100'
C-1	2	35	25'	5'	10'	25'	Same as R-4	
C-2	3	45	25'	5'	10'	25'	Same as R-4	
C-3	6	75	None except 5' on Washington St.	None	None	None	Same as R-4	
PUD	See Special Regulations in Chapter 1173.							
M-1	6	75	15'	10'	20'	12'	15,000	75'
M-1-a	n/a	45	25'	12'	24'	12'		75'
M-2	6	75	15'	10'	20'	12'	15,000	75'

(1) See Exceptions to Height, Front Yards, Side Yards, Rear Yards, Lot Area and Lot Width in Following Section.

**1181.02 EXISTING LOTS OF RECORD.**

- (a) Where a lot of record at the effective date of this Zoning Code has less area or width than required in **Section 1181.01** and the owner of such lot does not own any other parcel or tract adjacent thereto, such lot may nonetheless be used for the erection or reconstruction of a single-family dwelling or for any non-dwelling use permitted in the district in which it is located, even though its area and width are less than the minimum requirements set forth herein.
- (b) Where two (2) adjoining lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require that the lots be combined and used for one (1) principal building or use. In either case, the prevailing or required setback shall be met.
- (c) Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require replatting to fewer lots to permit compliance with the minimum yard requirements.

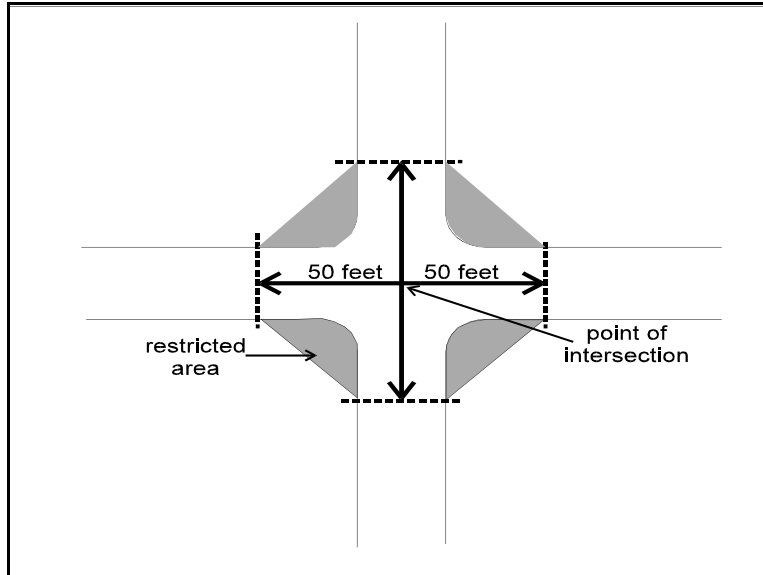
**1181.03 MULTIPLE USES ON A LOT**

In the R-4, and R-1a, C, and M Districts, there may be more than one (1) multiple dwelling, commercial or industrial building on a lot provided that all required yards are maintained around the building group.

**1181.04 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS**

In addition to all yard regulations specified in this Ordinance, the provisions of **Section 1181.04**, inclusive, shall be used for interpretation and clarification.

- (a) **Setback Requirements for Corner Buildings**  
On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
- (b) **Visibility at Intersections**  
Except in the C-3 Zoning District, on a corner lot at the intersection of two (2) public streets within any district, nothing shall be installed, erected, placed, planted or allowed to grow in such manner as to impede vision materially between a height of two and a half feet (2 ½') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet (50') from the point of intersection.



**(c) Yard Requirements for Multiple-Family Dwellings**

Group or multiple-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

**(d) Exceptions to Front Yard Requirements.**

- (1) Where forty percent (40%) or more of a block front is improved with buildings, then no part of any new building shall project beyond a line joining the two (2) adjacent corners of the building on either side thereof, or where there is a building on only one (1) side, beyond a line projected from the corresponding adjacent corners of the two (2) nearest buildings on that side except that no building shall be required to provide a front yard greater than fifty feet (50').
- (2) In any zoning district, whenever the height of a principal building exceeds thirty-five feet (35'), the front yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').
- (3) Front yard requirements in C-3 Zoning Districts are modified as hereunder provided:
  - A. The minimum depth of unoccupied space, further defined as front yard, for all new buildings constructed on lots that have frontage on Washington Street and zoned C-3 shall be five feet (5') from the east property line of lots on the west side of Washington Street and five feet (5') from the west property line of lots on the east side of Washington Street. This shall provide a five foot (5') setback from the property line as to all parts of structures

hereafter erected on Washington Street, it being further provided that this minimum setback shall include any and all permanent or temporary details of such buildings, including but not limited to roof overhangs, window sills, attached adornments, or the like. Permitted exceptions to this rule shall be such advertising signs as are allowable under currently valid City ordinance, flag pole receptacles and flag staffs, and any hardware deemed necessary for attachment to such buildings with the permission of the owner as are directly related to public utilities and the component hardware thereof.

- B. Within such five foot (5') setback shall be permitted sidewalks and permanent or seasonal receptacles for floral or horticultural ornamentation, however, such receptacles shall not exceed three feet (3') in height.
- C. No setback shall be required within the rest of the C-3 Central Business District.

**(e) Exceptions to Side Yard Requirements.**

- (1) For side yards along the street side of corner lots, refer to **Section 1181.04(a)**.
- (2) Where dwelling units are erected above a commercial establishment, no side yard shall be required except where required for a commercial building adjoining any residential district.
- (3) When a lot of record is less than fifty feet (50') in width, the required side yard may be reduced to ten percent (10%) of the width of the lot. However, no side yard shall be less than three feet (3').
- (4) For purposes of side yard regulations, a two-family or multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
- (5) In any zoning district, whenever the height of a principal building exceeds thirty-five feet (35'), the side yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').
- (6) When the side yard of any dwelling is non-conforming, the dwelling can be enlarged along that side yard, as long as the existing side yard is not reduced any more than its present state.
- (7) Interior lots of zero lot line developments shall be excluded from side yard requirements.

**(f) Exceptions to Rear Yard Requirements.**

- (1) In any zoning district, the required rear yard may be reduced to twenty percent (20%) of the depth of the lot on any lot not exceeding one hundred twenty feet (120') in depth.
- (2) In any zoning district, whenever the height of a principal building exceeds thirty-five feet, the rear yard setback shall be increased by an additional one foot (1') for each foot of additional building height beyond thirty-five feet (35').

**(g) Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts.**

Non-residential buildings or uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4') and six (6') feet in height, maintained in good condition, and free of all advertising or other signs. Landscaping shall consist of a strip of land not less than twenty feet (20') in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting. Either type of screening shall not obstruct traffic visibility within fifty feet (50') of an intersection.

**(h) Exceptions to Height Regulations.**

- (1) The height limitations contained in **Section 1181.01** do not apply to spires, belfries, cupolas, antennas, water towers, ornamental towers ventilators, chimneys, cooling towers, elevator bulkheads, fire towers, steeples, penthouses, stacks, stage storage towers or scenery lofts, tanks, television or radio towers, wireless telecommunication towers or other necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.
- (2) No structure shall be constructed in excess of the height that can be safely protected by all available fire fighting equipment except where in-structure fire protection is provided.
- (3) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the district in which they are located.
- (4) In any district, public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75').

- (5) Whenever a building in an M District adjoins or abuts an R District, or is located within one hundred feet (100') therefrom, such building shall not exceed three stories or forty-five (45')feet.
- (i) **Projections Into Yards.**
  - (1) Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in rear yards.
  - (2) Open structures such as uncovered porches or paved terraces, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and shall not project into the required minimum front or rear yard by more than ten feet (10'), or into a required side yard by more than three feet (3').
- (j) **Other Yard or Lot Exceptions.**
  - (1) Gasoline service station pumps and pump islands, which are more than fifty feet (50') from the boundary of an R District may be located within a required yard provided they are more than fifteen feet (15') from any street line.
  - (2) Within any R District, off-street parking shall not be permitted in a required front yard.

#### **1181.05 ACCESSORY BUILDING REQUIREMENTS.**

It is the purpose of **Section 1181.05**, inclusive of this Ordinance, to regulate accessory uses in order to promote the public health, safety and welfare; to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties. This section shall apply to the location and maintenance of accessory uses as herein defined. A Zoning Permit is required.

##### **(a) General Requirements**

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

- (1) It shall not occupy more than thirty percent (30%) of the lot.
- (2) It shall not be located closer than five feet (5') from the lot lines. However, no such accessory building shall project beyond a required front yard along any street, or project closer to the street right-of-way than the principal structure, unless attached thereto.
- (3) It shall not contain or be used as a dwelling unit (except as allowed in **Section 1181.05(b).**)
- (4) It shall meet all yard requirements of the principal use, except as modified by the District Regulations in **Chapters 1161 through 1177.**

**(b) Accessory Elderly or Handicapped Dwelling Unit**

Notwithstanding the provisions of **Section 1181.05(a)(3)** of this Ordinance, an owner-occupied, single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of either an elderly or handicapped household, a member of which shall be either an elderly person or handicapped person related to the owner of the single-family dwelling unit. Such accessory dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor, or ceiling. The application for the Zoning Permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly or handicapped person. This permit expires upon the vacating of the dwelling unit by the family member for whom the conditional use was granted.

**(c) Retail Sales and Services as an Accessory Use**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeteria institutional settings; office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, beauty and barber shops.

**(d) Accessory Buildings Used for Storage**

Accessory buildings used for storage shall have a permanent foundation affixed to the ground and shall not include the use of temporary structures including tents, trailers, mobile homes, auto or truck bodies, beds, boxes, trailers, truck caps and campers, or railroad cars whether affixed to a permanent foundation or not. Accessory buildings used for storage shall otherwise meet all other zoning setback, height, area, and percent of lot coverage requirements for the particular use or district in which located, and shall be maintained in good condition.

**1181.06 FENCES AND WALLS.**

- (a)** No fence shall exceed three feet (3') in height between the street right-of-way line and the required building setback lines.
- (b)** Maintenance: Fences shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, or safety of the public.
- (c)** Permits: No fence or wall shall be erected or constructed until a fence permit has been issued by the Zoning Inspector who shall review each request to determine its compliance with this Chapter. Each property owner shall determine property lines and ascertain that the fence or wall does not encroach upon another lot or parcel of land.



- (d) Variances: Any deviation from this Ordinance must be approved by the Board of Zoning Appeals under the provisions of **Section 1148**. The Board of Zoning Appeals shall consider, in ruling upon such request, the criteria referred to in **Section 1148.02**.
- (e) Except in Industrial Districts, fences, hedges, and walls may be constructed to a maximum height of six feet (6') in any required side or rear yard, and to a height of three feet (3') in any required yard abutting a street.
- (f) Fences or walls required to surround and enclose public utility installations are not limited in height in any district.

**1181.07        SHRUBBERY AND HEDGES.**

No shrubbery or hedge shall be planted beyond the property lines. The owner or occupant of realty on which there is shrubbery, hedges, or trees so located as to affect the vision of drivers on the public streets shall keep shrubbery and hedges trimmed to a maximum of three feet (3') in height and keep trees trimmed in order to avoid creating traffic hazards.

**1181.08        PENALTY.**

If any provision of **Sections 1181.06 and 1181.07** is violated, the Zoning Inspector may order that the fence, wall, or hedge be removed. If the fence, wall, or hedge is not removed within ten (10) days of the order, the owner shall be fined in accordance with **Section 1145.15**. Where trimming is not done within ten (10) days after notice by the Zoning Inspector, the employees of the City may enter upon the property and trim the shrubbery, hedges, or trees at the expense of the property owner. Any shrub, hedge, or tree found to be located upon public property may be removed by the City at any time.